

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RICHARD DeLUCA,

ORDER

08-CV-4089 (NGG)

Plaintiff,

-against-

HENRY M. PAULSON, JR.,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

The Report and Recommendation ("R&R") of Magistrate Judge Cheryl L. Pollak dated April 22, 2009 (Docket Entry #5), though unopposed, has been reviewed by the court and is hereby adopted in its entirety. Accordingly, Plaintiff's action is dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: Brooklyn, New York
March31, 2010

s/ NGG

NICHOLAS G. GARAUFIS
United States District Judge